

Applicant : Hongyong Zhang  
Serial No. : 09/816,492  
Filed : March 23, 2001  
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Attorney's Docket No.: 07-029003 / US3002/3266D1D1

### REMARKS

Claims 1-25 are pending in the application with claims 1, 8, 12, 16 and 20 being independent. Claims 1, 3, 4, 8, 12, 16 and 20 have been amended and new claims 24 and 25 have been added.

Claim 1 has been amended to change "layer" to "electrode" to overcome the claim objection and to eliminate the references to forming a capacitor and to a counter electrode (which is now recited in claim 24). Claims 8, 12, 16 and 20 have been amended similarly. No new matter has been added.

Regarding the rejection of claims 1-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Zhang, applicant respectfully submits that the Terminal Disclaimer filed with this Reply pursuant to 37 CFR 3.73(b) and 37 CFR 1.321(c) is sufficient to overcome this rejection of claims 1-23, and, accordingly, requests withdrawal of this rejection. Since no other rejection has been issued with respect to claims 1-23, applicant submits that these claims, as well as new dependent claims 24 and 25 (which depend, respectively, from claims 1 and 20), are now in condition for allowance, and such action is requested in the Examiner's next official communication.

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Enclosed is a check in the amount of \$146 for the terminal disclaimer fee (\$110) and the additional claims fee (\$36). Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: August 6, 2003

  
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